



Nevada Association of Counties

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Sagebrush Ecosystem Council
Care of: Kelly McGowan, Program Manager
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Via Email: kmcgowan@sagebrusheco.nv.gov

RE: Nevada Association of Counties (NACO) input to BLM's Greater Sage-grouse Land Use Plan Amendment and Draft Environmental Impact Statement for Nevada and NE California (DEIS)

Chair Goicoechea and Council Members:

NACO would like to take this opportunity to provide a brief update as to its position on the BLM's DEIS that was released for public review on May 4, 2018. Hopefully these inputs are helpful to your review of the DEIS as well as the ongoing updates to the Nevada Greater Sage-grouse Conservation Plan (State Plan). The below summary points, arranged by topic area, have been advanced by NACO and associated counties through the BLM's scoping period as well as the Cooperating Agency process, and will be reiterated in NACO's comments to the DEIS.

BLM's Purpose and Need for Action (Section 1.2, Page 1-3): NACO appreciates the purpose of aligning with the state plans; however, the purpose should also be to update the current Greater Sage-grouse Land Use Plan for Nevada and Northeastern California (LUP) to incorporate best available science (see below comments on Modifying Habitat Management Area Designations and Modifying Habitat Objectives), meeting the BLM's multiple use mandate (see below comments on Adaptive Management and Allocation Exception Process), and maintaining the important customs, cultures and economies impacted by the current LUP stipulations and management direction. It is also important to NACO that Counties retain the ability to provide important services (administrative and emergency) to their residents and communities.

BLM Alternatives to be Analyzed (Section 2.3, Page 2-3 to 2-4): NACO strongly opposes the No-Action Alternative, and strongly supports the Management Alignment Alternative, for the following reasons:

1. The No-Action Alternative is not based on best available science;
2. The No-Action Alternative is inconsistent with the State Plan resulting in unacceptable negative impacts to the State and Local Government; and,
3. The Management Alignment Alternative provides the best balance of Sage-grouse conservation and an avenue for incorporating best available science now and into the future; is better aligned

with the State Plan; and, allows State and Local Government to provide critical services and maintain important customs, cultures and economies.

NACO also understands that the State Plan is still being revised and updated, which may result in changes to the Management Alignment Alternative. Given the rapid process and schedule being pursued by BLM, NACO requests that the Council complete its State Plan updates as soon as possible without sacrificing the diligence required to ensure all key aspects of the plan are sound and well justified.

Issues being Addressed (Table 2.2, Page 2-6 to 2-16): NACO and associated counties have provided extensive comment regarding the below issue areas. The below points summarize what NACO believes are the most critical items under each issue.

Modifying, and Use of, Habitat Management Area Designations:

- The Habitat Management Area Designations and associated maps listed under the No-Action Alternative and use of these hard-and-fast modeled map designations do not represent “best available science,” are inconsistent with the maps and implementation process adopted by the SEC, and have resulted in a host of issues in terms of implementing management decisions associated with the habitat management area designations.
- NACO supports the Management Alignment Alternative as it:
 - Incorporates the State of Nevada Habitat Management Categories as adopted on December 11, 2015;
 - Employs ground-truthing of habitat categories. This is of critical importance given the mapping is a broad-scale habitat model that has not been completely refined through either ground truthing or Sage-grouse telemetry data; and,
 - Provides for management categories to be updated as new science emerges and new data is collected that better refine the habitat model. While NACO appreciates adopting such updates through ‘plan maintenance,’ there may be occasions where a plan amendment is the more appropriate approach.

NACO does believe it is important that the updated State Plan clearly identifies the process that will be used to update and approve management category mapping in the future, and that local information and stakeholder input must be incorporated as part of that process.

Removing Sagebrush Focal Areas (SFAs):

- NACO does not support the No Action Alternative and does not believe the BLM has the ability to complete a proper impact analysis for including SFAs, particularly in regards to potential socioeconomic impacts to local government.
- NACO does support the Management Alignment Alternative that would remove the SFA designation defaulting management to the underlying habitat management designations.

Adaptive Management:

- NACO does not support the No Action Alternative as it does not represent a true “adaptive management” process, particularly when considering management actions / restriction imposed



when 'hard triggers' are activated. This could result in restrictions that have no bearing on the true reason a trigger was activated at the cost to State and local governments and public land uses.

- NACO supports developing triggers (or warnings and signals to be consistent with USGS terminology) based on best available science, which would activate an appropriate response based on a causal factor analysis and implementation of a true Adaptive Management Process that includes appropriate stakeholders including local government and affected land users. This process must include provisions for removing management actions/restrictions upon recovery of populations and/or habitat or science-based determinations that continuing restrictions cannot reach desired results.

NACO strongly advocates for an update of the State Plan regarding Adaptive Management. This is an area where there remains a true disconnect between the current BLM LUP and DEIS and the State Plan. The State's Adaptive Management approach should include:

1. Biological and/or Habitat Triggers (or warnings and signals) that are based on best available science;
2. Lek Cluster and BSU areas that are consistent with the 2015 State-approved Habitat Categories Map;
3. *A mandatory causal factor analysis when any 'trigger' is activated;
4. *A means of implementing resource and land allocation decisions based on the causal factor analysis; and,
5. *A means to implement an adaptive response plan in a timely manner. The response plan should allow for both recovery and adaptation based on monitoring of population and habitat response.

*Steps 3 – 5 should be completed by a stakeholder group that includes representatives from local government (with an emphasis on representatives from those governments that are directly affected) and affected land users. The Adaptive Management process and stakeholder groups is well defined by both the DOI's 2009 Adaptive Management Technical Guide and the most recent version of the Nevada Rangeland Monitoring Handbook. Both documents should guide the State's development of an acceptable Adaptive Management Process. Based on these guidance documents, it is imperative that adaptive management be framed with resource objectives that are SMART: Specific, Measurable, Attainable, Relevant, and Time-fixed.

Mitigation:

- NACO supports requiring mitigation in a manner that results in no net loss of functional acreage as quantified by the State's Habitat Quantification Tool (HQT) as generally described under the Management Alignment Alternative.
 - The BLM must clarify what is meant by "...mitigation would be considered subject to the federal regulations governing the authorization and valid existing rights." If the BLM cannot require mitigation that results in "no net loss of functional acreage," then there would be a stark disconnect between the DEIS and the State Plan.



NACO recommends updating the State Plan to account for input provided by BLM in terms of what is and is not allowable in terms of mitigation by the BLM, so as to avoid a situation that results in loss of functional acreage on BLM-managed lands due to the agency's inability to 'require' mitigation.

Allocation Exception Process:

- NACO strongly supports the Allocation Exception Process described under the Management Alignment Alternative. NACO supports exceptions being granted, in coordination with NDOW and the SETT, to allow actions described under items ii through vi described on Page 2-12.

NACO suggests updating the State Plan to include a similar allocation exception process.

Seasonal Timing Restrictions:

- NACO strongly supports the seasonal timing restriction waiver / modification process described under the Management Alignment Alternative. NACO supports exceptions being granted, in coordination with NDOW and the SETT, to allow actions described under items i and ii described on Pages 2-14 and 15.

NACO suggests updating the State Plan to include a similar seasonal timing restriction waiver / modification process.

Modifying Habitat Objectives:

- NACO does not support the No-Action Alternative, as application and interpretation of the Habitat Objectives has been inconsistent thus far resulting in confusion, delays and negative impacts to local government. NACO would also contend that some of the objectives are no longer based on best available science (e.g. conifer cover in relation to leks). Finally, by BLM's own planning guidance, objectives should be developed based on site specific conditions and potential. NACO believes this is critical to effective habitat management.
- NACO strongly supports the clarification in the DEIS (page 2-16) that Habitat Objectives are "...desired habitat conditions that are broad goals based on habitat selection that may not be achievable in all areas". Site specific objectives should be developed utilizing tools including, but not limited to: Ecological Site Descriptions, associated State and Transition Models and current ecological condition.
- NACO support the Management Alignment Alternative regarding updating the 'Objectives' based on best available science that will continually emerge.

NACO suggests including in the State Plan a process for updating Habitat Objectives as additional information and science becomes available.

Please let me know if NACO can provide additional detail on any of the above points, including examples of specific impacts to counties and county services. NACO will have a representative at the May 18, 2018 meeting and is happy to work with the Council, SETT, and other key federal and state partners to ensure a State Conservation Plan and BLM Land Use Plan that:

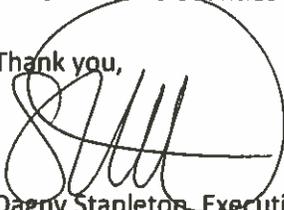
1. Conserves Greater Sage-grouse;



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2. Maintains the customs, cultures and economies of our State, our local governments, and our citizens; and,
3. ~~Allows Counties~~ to provide critical services to Nevada's residents and communities.

Thank you,



Dagny Stapleton, Executive Director
Nevada Association of Counties

cc: Governor Sandoval
Matthew Magaletti, Nevada Sage Grouse Coordinator, BLM Nevada State Office

